

[US 010191]

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REMARKS**I. INTRODUCTION**

Claim 9 has been amended. No new matter has been added. Thus, claims 1-20 remain pending in this application. It is respectfully submitted that based on the above amendments and following remarks that all of the presently pending claims are in condition for allowance.

**II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

The Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as unpatentable over Motorola ("Integrated Data-Casting Solutions for Digital TV") ("Motorola"), in view of U.S. Patent Publication No. 2005/0111823 to Dureau ("Dureau"), in further view of U.S. Patent Publication No. 2004/0236865 to Ullman et al. ("Ullman"). (See 12/18/06 Office Action, p. 2).

Motorola describes a datacasting network, which makes broadcasts or selected portions of broadcasts available to computer users conditionally on the basis of subscriptions, demographics, or user inquiry. (See Motorola, p. 4). According to the Motorola reference, datacasting files stored in the PC hard drive can be manipulated from PC workstations to integrate the data into templates carrying a local station brand to identify it with a community or with a sponsor. (See Id., p. 6, ¶ 4). Motorola further discloses an entitlement control process by which subscription programs are accessible to subscribers if certain conditional access criteria are met. (See Id., p. 8, ¶ 2). The criteria divide the datacast into individually access-controlled data segments that can be used to provide different levels of service to the subscribers (i.e., basic data services are free, but a data service augmented with real time streaming video is offered at a premium). (See Id.). Once a service level is assigned to the datacast segment (i.e., a data flag), the subsequent encryption of that segment forces the subscriber to have the proper authorization to receive the service. (See Id.).

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Dureau only teaches a smart toy that can track past activities of the toy and/or the user and can build a locally stored profile of these activities in the toy. (See Dureau, p. 7, ¶ [0061]). As an input device, the smart toy can download data to a broadcast station as long as there is a return path between the broadcast station and receiving station. (See Id., p. 7, ¶ [0062]). Dureau also teaches that user information, such as profile data stored on the toy, may also be uploaded to the receiving station or the broadcast station for filtering downloads or customizing program content to be displayed on the television. (See Id., p. 7, ¶ [0063]).

Ullman describes a computer-based system for receiving URL's to be entered and for the Web pages to be synchronized to be displayed on a television screen. (See Ullman, pp. 2-3, ¶ [0027]). The system of Ullman enables personalization in the form of URLs specific to each user's unique profile stored in the database 78. (See Ullman, p. 4, ¶ [0041]). The personalized URLs are uniquely relevant to the user's interests, demographics, history, or behavior in the system and may be automatically chosen by an algorithm (such as a filter). (See Id.). However, the Ullman system merely fetches personalized URL's to display Web content simultaneously with video. (See Ullman, p. 5, ¶¶ [0051], [0054]).

In contrast, claim 1 recites "a controller within the local broadcast facility capable of receiving a first datacast stream transmitted by said television broadcast system and detecting therein a plurality of datacast blocks, wherein said controller employs a first content parameter associated with a first one of said datacast blocks with at least one subscriber-specific parameter associated with said data storage apparatus and wherein said controller, in response to a determination that said first content parameter matches said at least one subscriber-specific parameter, stores said first datacast block in said storage medium."

Applicant respectfully submits that Motorola fails to teach a controller that "employs a first content parameter associated with a first one of said datacast blocks with at least one subscriber-specific parameter associated with said data storage apparatus," and further fails to teach a controller which "in response to a determination that said first content parameter matches said at least one subscriber-specific parameter, stores said first datacast block in said storage medium." Motorola's system sets criteria to divide datacasts into individually access-controlled

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data segments, but unlike the claimed invention, Motorola does not teach that the criteria are based on content parameters. Instead, the conditional access taught by Motorola requires the subscriber to carry user-authorization to decrypt access-controlled data. (See Motorola, p. 8, ¶ 2). Thus, Motorola's system does nothing more than compare these access-controlled data segments with the subscriber's current authorization to permit access to the data. (See Id.). There is no teaching in Motorola of employing "a first content parameter" associated with the access-controlled data segment and the subscriber authorization. To the contrary, Motorola's system merely grants subscriber access to a premium service tier upon proper current authorization of the subscriber. (See Id.). Therefore, Motorola lacks a system that employs a first content parameter, and merely teaches comparing access-controlled datacast blocks to subscriber-specific parameters.

As to the storing ability of the controller in claim 1, even if the access-controlled data segments in Motorola meet the recited datacast blocks, Motorola would still fail to teach storing "said first datacast block insaid storage medium", once there is a determination that a first content parameter matches the at least one subscriber-specific parameter. Motorola never mentions content parameters, nor does it mention a datacasting solution that determines whether a first content parameter matches a subscriber-specific parameter. The only comparison taught by the Motorola reference is the comparison of the access-controlled data segments with the subscriber authorization. Further, Motorola's system never stores any data upon determining a match between the access-controlled data segment encryption and the subscriber's authorization. The reference only describes the subscriber gaining access to the service upon proper authorization and never teaches storing a content parameter within a storage medium. In light of the above, the Motorola reference fails to teach or describe each and every element of claim 1.

The Examiner cites Dureau to cure the deficiencies of Motorola. Dureau lacks a local broadcast facility storing content parameters within a storage medium as a result of comparing a first content parameter with a subscriber-specific parameter. Dureau only teaches a smart toy that can upload and download information to other devices (i.e., a television set or broadcast station). The smart toy of Dureau is not a local broadcast facility that contains a controller capable of receiving a datacast stream by a television broadcast system as recited in claim 1.

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Although the smart toy can upload information to other devices, the smart toy can only control content data cooperatively with a broadcast station and does not function to control that data by itself.

It is respectfully submitted that Dureau's smart toy is non-analogous prior art and therefore cannot be combined in support of the obviousness rejection under 35 U.S.C. §103(a). The smart toy of Dureau is not within the same field of endeavor nor would have logically commended itself to Applicant's attention in considering the problem solved by the claimed invention. In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. (See MPEP §2141.01(a)(I)). Here, the smart toy of Dureau is not a local broadcast facility. Furthermore, even if Dureau's smart toy can upload data to a receiver station, the reference teaches nothing that would place smart toys in the field of local broadcast facilities nor explain how smart toys solve the particular problems pertinent to local broadcast facility technology.

While Patent Office classification of references and the cross-references in the official search notes of the class definitions are some evidence of "nonanalogy" or "analogy" respectively, the court has found "the similarities and differences in structure and function of the inventions carry far greater weight." (See MPEP §2141.01(a)(II)). Regardless of its data storage capabilities, the smart toy of Dureau is structurally and functionally distinguishable from a local broadcast facility, thereby rendering the Dureau reference as non-analogous prior art. Therefore, Dureau fails to support the Examiner's obviousness rejection to claim 1 under 35 U.S.C. §103(a).

Because the Dureau reference only teaches smart toys and does not teach local broadcast facilities, the reference fails to teach "a storage medium within the local broadcast facility for storing selected portions of said transmitted datacast streams", "a controller within the local broadcast facility capable of receiving a first datacast stream transmitted by said television broadcast system and detecting therein a plurality of datacast blocks" and "a transmission device within the local broadcast facility configured to transmit said first data cast in accordance with said first content parameter," as recited in claim 1. Therefore, Dureau neither teaches or

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describes each limitation of claim 1 and is unable to cure the deficiencies of Motorola with respect to claim 1.

Applicant respectfully submits that the system of Ullman also fails to teach or describe the storage of content parameters following a determination of a match between the content parameters and the at least one subscriber-specific parameter. Ullman only provides simultaneous display of Web pages and video content. Thus, the Ullman system fails to cure the above-cited deficiencies of Motorola and Dureau. In light of the above, the Ullman reference fails to teach or describe each and every element of claim 1.

Applicant respectfully submits that neither Motorola, Dureau or Ullman, either alone or in combination, teach "a controller within the local broadcast facility capable of receiving a first datacast stream transmitted by said television broadcast system and detecting therein a plurality of datacast blocks, wherein said controller employs a first content parameter associated with a first one of said datacast blocks with at least one subscriber-specific parameter associated with said data storage apparatus and wherein said controller, in response to a determination that said first content parameter matches said at least one subscriber-specific parameter, stores said first datacast block in said storage medium," as recited in claim 1. Therefore, the rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn and claim 1 made allowable. Because claims 2-8 depend from and therefore include, all the limitations of claim 1, these claims should also be allowable.

Claim 9 includes substantially the same limitations as claim 1. Therefore, claim 9 should be made allowable for at least the same reasons cited above with respect to claim 1. Because claims 10-16 depend from and therefore include all the limitations of, claim 9, these claims should also be allowable.

With respect claim 17, applicant respectfully submits that Motorola fails to teach or describe, "a transmission controller capable of causing a first of said plurality of transmission queues to be transmitted in a broadcast transmission receivable by all of said plurality of data storage apparatuses and further capable of causing a second of said plurality of transmission

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queues to be transmitted in a multicast transmission, wherein selected portions of web page data in said second transmission queue are receivable by only selected subgroups of said plurality of data storage apparatuses.” The Examiner admits that Motorola fails to disclose a plurality of transmission queues for storage of Web page data. (See 12/18/06 Office Action, p. 5). In addition to the absence of this element of claim 17, Motorola also fails to teach a transmission controller causing a second of said plurality of transmission queues to be transmitted in a multicast transmission, in which selected portions of web page data are receivable by only selected subgroups of the plurality of data storage apparatuses. The Motorola reference never mentions transmitting data that is receivable by selected subgroups. The Motorola reference further lacks any type of disclosure of grouping data storage devices into subgroups. Therefore the Motorola reference fails to teach or describe each and every element of claim 17.

The Examiner erroneously takes official notice that providing queues or placeholders for data casting, or an order of transmission, operating as a FIFO or other type of ordering device is well known. (See 12/18/06 Office Action, pp. 4, 6). The Examiner asserts that U.S. Patent No. 5,898,687 to Harriman et al. (“Harriman”) shows queues for multicasting and uni-casting that are priority based. However, Harriman merely teaches the storage of copies of multicast data and to replicate the memory location for each destination of the multicast data connection. (See Harriman, col. 4, ll. 56-61). The queuing capabilities taught by Harriman are merely directed to priority-based queues and do not teach subgroups of storage devices or data. Thus, Harriman fails to render obvious the recited grouping of storage devices based on selected portions of receivable data. Therefore, the Examiner’s assertions of the obviousness of the grouping and sub-grouping capabilities of Motorola are unfounded and lack adequate evidence of being well known in the art. Although Motorola discloses multicasting to demographic groups, it does not obviously follow, that the Motorola reference teaches “a transmission controller...capable of causing a second of said plurality of transmission queues to be transmitted in a multicast transmission, wherein selected portions of web page data in said second transmission queue are receivable by only selected subgroups of said plurality of data storage apparatuses,” as recited in claim 17. Hence, the Examiner’s official notice fails, and, in light of the above remarks, still renders the obviousness rejection to claim 17, in view of the Motorola reference, moot.

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Dureau also fails to teach or describe each and every element of claim 17. Specifically Dureau fails to disclose "a transmission controller...capable of causing a second of said plurality of transmission queues to be transmitted in a multicast transmission, wherein selected portions of web page data in said second transmission queue are receivable by only selected subgroups of said plurality of data storage apparatuses." As cited above, the smart toy of Dureau merely downloads and uploads data to other devices and does not selectively send web page data in transmission queues receivable by only selected subgroups of data storage devices.

Ullman also fails to teach or describe each and every element of claim 17. Ullman fails to cure any of the defects of Motorola or Dureau with respect to claim 17. Although Ullman teaches the transmission of webpages on a video screen, it never discloses "a transmission controller...capable of causing a second of said plurality of transmission queues to be transmitted in a multicast transmission, wherein selected portions of web page data in said second transmission queue are receivable by only selected subgroups of said plurality of data storage apparatuses."

Applicant respectfully submits that neither Motorola, Dureau or Ullman, either alone or in combination, teach "a transmission controller capable of causing a first of said plurality of transmission queues to be transmitted in a broadcast transmission receivable by all of said plurality of data storage apparatuses and further capable of causing a second of said plurality of transmission queues to be transmitted in a multicast transmission, wherein selected portions of web page data in said second transmission queue are receivable by only selected subgroups of said plurality of data storage apparatuses," as recited in claim 17. Therefore, the rejection to claim 17 under 35 U.S.C. §103(a) should be withdrawn and claim 17 made allowable. Because claims 18-20 depend from and therefore include, all the limitations of claim 17, these claims should also be allowable.

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CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

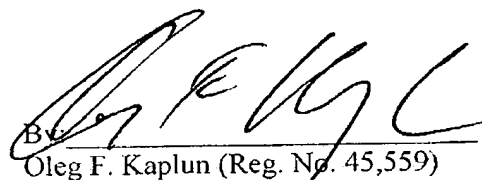
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Respectfully submitted,

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